

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CR No. 15-4268-KG

1. ANGEL DE LEON,
2. JOE GALLEGOS,
3. **EDWARD TROUP**,
4. LEONARD LUJAN,
5. **BILLY GARCIA**,
6. EUGENE MARTINEZ,
7. ALLEN PATTERSON,
8. CHRISTOPHER CHAVEZ,
9. JAVIER ALONSO,
10. **ARTURO ARNULFO GARCIA**,
11. BENJAMIN CLARK,
12. RUBEN HERNANDEZ,
13. JERRY ARMENTA,
14. JERRY MONTOYA,
15. MARIO RODRIGUEZ,
16. **TIMOTHY MARTINEZ**,
17. MAURICIO VARELA,
18. **DANIEL SANCHEZ**,
19. GERALD ARCHULETA,
20. CONRAD VILLEGAS,
21. **ANTHONY BACA**,
22. ROBERT MARTINEZ,
23. ROY MARTINEZ, and
24. CHRISTOPHER GARCIA,

Defendants.

**OBJECTION TO PROTECTIVE ORDER [DOC. 313]**

Defendants, Edward Troup, Billy Garcia, Javier Alonso, Arturo Garcia, Timothy Martinez, Daniel Sanchez, and Anthony Baca, through counsel, respectfully note their objections to the Protective Order [Doc.313] and state as follows:

1. On February 5, 2016, the Government filed its "Sealed Motion for Protective Order" [Doc. 260] and on February 12, 2016 the Government filed its "Sealed Supplement to Sealed Motion for Protective Order." [Doc. 280].
- 2 On February 17, 2016, seventeen (17) defendants filed their "Joint Opposition to Government's Sealed Motion for Proposed Protective Order." [Doc. 281]. In their Joint Opposition the defendants detailed their objections to the proposed Protective Order.
- 3 On March 3, 2016, a hearing was conducted to argue the merits of the proposed Protective Order. At the March 3 hearing, numerous defendants persisted in the objections to the proposed order that had previously been presented to the Court in their written Joint Opposition and made clear their continuing objection to the Protective Order. After the Court had made its ruling, counsel for each defendant was given an opportunity to state their position regarding the Court's Order. Counsel for the following defendants objected to the Protective Order:

- Joe Gallegos, [Doc. 322, p.72],
- Javier Alonso, [Doc. 322, pp.76-78],
- Arturo Garcia, [Doc. 322, p.78],
- Jerry Montoya, [Doc. 322, pp.87-89],
- Timothy Martinez, [Doc. 322, pp.90-91],
- Daniel Sanchez, [Doc. 322, p.91],

- Conrad Villegas, [Doc. 322, p.92],
- Anthony Baca, [Doc. 322, p.94],
- Christopher Garcia, [Doc. 322, pp.94-95].

4 On March 10, 2016, the parties submitted to the Court a proposed Protective Order based on the Court's ruling at the March 3, 2016 hearing.

5. On Friday March 11, 2016 at 7:47 a.m., the Court's staff sent an email to Ms. Jacks (the defense representative regarding the Protective Order) which asked: "could you please advise if all defense counsel are in agreement with the proposed protective order which was provided to us yesterday." At 8:13 a.m. Ms. Jacks wrote back, with copies to the U.S. Attorneys, "I think that we are in agreement that it accurately reflects the Court's ruling last Thursday."

6. On March 11, 2016, the Court issued its "Stipulated Protective Order." [Doc. 308]. In addition to the inaccurate caption which described the Order as "Stipulated", the Order stated the Court had been advised that "all counsel agree to the provisions set forth herein." As noted above, all counsel absolutely did not agree to the Protective Order.

7. In an effort to correct the "Stipulated Protective Order", on March 11, 2016 Ms. Jacks, on behalf of several defendants, sent an email to the Court's staff, the United States Attorney, and to all defense counsel. The email stated as follows:

"This is certainly not a Stipulated Order. The document that we forwarded to the court yesterday was an agreed upon summary of the court's orders at the hearing last Thursday. As you know, the defendants raised many objections to the government's proposed protective order and also asserted that if the defendants were to be given tablets or computers containing electronic discovery then there was no good cause to limit the types of discovery materials that could be placed on those devices. The court resolved those issues. What we submitted was intended to be a summary of the court's resolution of the issues presented."

8. On March 14, 2016 the Court withdrew the "Stipulated Protective Order" [Doc. 308] and issued its "Protective Order" [Doc. 313]. The newly issued Protective Order deleted the word "Stipulated" from the caption; however, the Order continues to state that "all counsel agree to the provision set forth herein."

9. Again, all counsel DO NOT agree to the provisions of the Protective Order. Those objections have previously been made part of the record. As noted in Ms. Jacks' email of March 11, 2016, "the defendants raised many objections to the government's proposed protective order and also asserted that if the defendants were to be given tablets or computers containing electronic discovery then there was no good cause to limit the types of discovery materials that could be placed on those devices. The court resolved those issues. What we submitted was intended to be a summary of the court's resolution of the issues presented." Defendants persist in those objections and file this Objection to Protective Order to preserve and clarify the record.

DATED: March 25, 2016.

Respectfully submitted,

/s/ Cori Harbour-Valdez

Patrick Burke  
Cori Harbour-Valdez  
Attorneys for Edward Troup (3)

/s/ Jim Castle

Jim Castle  
Attorneys for Billy Garcia (5)

/s/ Nathan Chambers

Nathan Chambers  
Noel Orquiz  
Attorneys for Javier Alonso (9)

/s/ Billy Blackburn

Billy Blackburn  
Attorney for Arturo Garcia (10)

/s/ Jacqueline K. Walsh

Jacqueline K. Walsh  
Steven Almanza  
Attorneys for Timothy Martinez (16)

/s/ Amy E. Jacks

Amy E. Jacks  
Richard Jewkes  
Attorneys for Daniel Sanchez (18)

/s/ Theresa Duncan

Theresa Duncan  
Marc M. Lowry  
Attorneys for Anthony Ray Baca (21)

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2016, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to counsel of record.

/s/ Nathan Chambers